

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Development Review Specialist  
 JL Joel Lawson, Associate Director Development Review  
**DATE:** April 21, 2022

**SUBJECT:** BZA Case 20708: Request for special exception relief to allow the construction of a rear screened deck addition.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle D § 5201 and Subtitle X § 901:

- D § 304.1, Lot Occupancy (40% maximum, 34.63% existing; 44.89% proposed); and
- D § 306.2, Rear Yard (20 ft. required; 25.95 ft. existing; 11.95 ft. proposed).

### **II. LOCATION AND SITE DESCRIPTION**

Address	515 Oglethorpe Street, N.W.
Applicants	Patricia L. Probst
Legal Description	Square 3202, Lot 218
Ward, ANC	Ward 4, ANC 4B
Zone	The <b><u>R-2</u></b> zone is intended to provide for areas predominantly developed with detached and semi-detached houses.
Historic Districts	None
Lot Characteristics	The rectangular lot has 2,678 square feet of area and 30.34-feet of frontage along Oglethorpe Street. The rear of the lot abuts a 16-foot-wide public alley. There is an 8-foot-wide building restriction line along the west side of the lot and a 15-foot-wide building restriction line along the front of the lot.
Existing Development	The lot is currently developed with a two-story with basement semi-detached building with one residence.
Adjacent Properties	Low-density residential neighborhood, with semi-detached and attached dwellings to the north, south, east and west.
Surrounding Neighborhood Character	The surrounding neighborhood character is low-density residential of semi-detached, attached, and detached dwellings.
Proposed Development	The Applicant proposes to construct a 280 square foot screened-in deck at the rear of the building. A required parking space would be provided under the proposed structure.

### III. ZONING REQUIREMENTS and RELIEF REQUESTED

R-2 Zone	Regulation	Existing	Proposed	Relief
Lot Width D § 302	30 ft. min.	30.34 ft.	No change	None required
Lot Area D § 302	3,000 sq.ft. min.	2,678 sq.ft.	No change	Existing nonconforming
Height D § 303	40 ft. max.	23 ft.	No change	None required
Lot Occupancy D § 304	40% max.	34.63%	44.89%	<b>S.E. Required</b>
Front Setback D § 305	Within the range of front setbacks of buildings in the block	5.15 ft.	5.15 ft.	None requested
Rear Yard D § 306	20 ft. min.	25.95 ft.	11.95 ft.	<b>S.E. Required</b>
Pervious Surface D § 308	30%	30%	30%	None required
Side Yard D § 206	1 side yard, 8 ft. min.	10 ft.	No change	None required
Parking C § 701	1 space per dwelling	2 spaces	No change	None required

### IV. OP ANALYSIS

#### Subtitle D § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

*5201.1 For an addition to a principal residential building with one (1) principal dwelling unit on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:*

*(a) Lot occupancy subject to the following table:*

**TABLE D § 5201.1(a): MAXIMUM PERMITTED LOT OCCUPANCY BY SPECIAL EXCEPTION**

Zone	Maximum Lot Occupancy
R-3, R-13, and R-17 R-20 - Row dwellings	70%
<b>R-20 - Detached and semi-detached dwellings</b> <b>All other R zones</b>	<b>50%</b>

*(b) Yards, including alley centerline setback; and*

*(c) Pervious surface.*

The Applicant has requested relief from lot occupancy and rear yard for a principal dwelling unit on a non-alley lot, consistent with this section.

*5201.2 and 5201.3 do not apply to this application.*

*5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:*

*(a) The light and air available to neighboring properties shall not be unduly affected;*

The proposed screened-in deck would be at the first floor level of the dwelling and would match the width of the existing semi-detached building at 20-feet. Two parking spaces would be located under the proposed structure.

The addition would be constructed on a lot that is oriented north-south, with the rear yard to the north. Due to the low height of the proposed structure and the orientation of the lot, it is not anticipated that there would be shading beyond the existing condition. The resulting 11.95-foot rear yard combined with the 16-foot-wide public alley to the north should provide sufficient separation between the proposed structure and lots to the north, minimizing impacts to those lots. Shading may occur to the west during the morning hours, but the existing 10-foot side yard on the subject lot and on the lot to the west should minimize impacts to that lot. Minimal impacts would be expected to the east during the evening hours but mitigated by the lower height of the proposed structure.

*(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The proposed screened enclosure should not unduly compromise the privacy of use and enjoyment of neighboring properties. As indicated above, the separation between the structure and properties to the north of approximately 28-feet should be sufficient for ensuring the privacy of those neighbors. The combined side yards to the west of about 20-feet should also provide enough distance to ensure the privacy of neighbors. Although the structure would abut the semi-detached building to the east, its lower height and screening by existing fences should provide sufficient privacy to those neighbors.

*(c) The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage; and*

The proposed addition may be slightly visible from Oglethorpe Street through the side yard, but it should not substantially visually intrude upon the character, scale, and pattern of houses along the street due to its lower height.

The proposed addition would be visible from the alley, where other similarly sized additions have been constructed. Since there is not a predominant architectural style related to the additions, the proposed main level screened enclosure would not visually intrude upon the character, scale, and pattern of houses along the public alley.

*(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

Graphical representations, including plans, photographs, and elevations sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways (Exhibits 2, 7, and 10).

*5201.5 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

The Office of Planning does not recommend any special treatment for the proposed addition.

*5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories as a special exception.*

The proposed addition would expand the existing, permitted residential use in the R-2 zone. The Applicant has requested lot occupancy consistent with what is permitted by this section, and the addition would not increase the overall height or number of stories.

#### **Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS**

*901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The proposed addition would expand the existing, permitted residential use on a lot that is zoned R-2, which is a residential zone. As such, it would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

- (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

As provided in the above analysis, the proposed addition should not adversely affect the use of neighboring properties.

- (c) Subject in specific cases to the special conditions specified in this title.*

An analysis of the request against the special conditions has been provided above.

#### **V. OTHER DISTRICT AGENCIES**

Reports from other District Agencies had not been filed to the record at the time of this report.

#### **VI. ADVISORY NEIGHBORHOOD COMMISSION**

A report from the ANC had not been submitted to the record at the time this report was filed.

#### **VII. COMMUNITY COMMENTS**

Comments from the community had not been submitted to the record at the time this report was filed.

Attachment: Location Map

**Location Map:**

